

**CITY OF FITCHBURG  
CONSERVATION COMMISSION  
MEETING MINUTES**

**TUESDAY, NOVEMBER 24, 2009**

**COMMISSIONERS IN ATTENDANCE:** Tom Starr, Chairman, Mike Donnelly, Harry Karis, John Koutonen, Kevin Sanders

**STAFF IN ATTENDANCE:** Mike O'Hara

**CALL TO ORDER:** Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

**COMMUNICATIONS**

Commission discussed violation off Ashburnham Street at entrance to Moran playground. Tree trucks w/ "Tibb's Tree Service" parked there -- Disturbance in buffer zone of tributary to Phillips Brook.

Mike D. said violator lives on Shea Street

Commission agreed to send Violation Notice to property owner.

**PUBLIC HEARINGS**

Erosion and Sedimentation Control Plan -- Newark America, 100 Newark Way, Earth Removal

Jamie Rheault, Whitman & Bingham Assocs. and Dana Pelletier, Newark America General Manager presented plan. No wetlands on site but triggers filing under Erosion & Sediment Control ordinance due to about of disturbed area. Jamie described sand pit operations. Hours Monday-Friday 6:30 a.m. - 4:30 p.m. Closed Sundays & Holidays.

Dave Streb raised issue of starting before 7 a.m.

Kevin suggested a benchmark to be placed on the light pole near the sand pit operation.

Vote unanimous to approve plan.

**OTHER BUSINESS:**

Encroachments at Coggshall Park/Bird Sanctuary -- update

Atty. Barrett and Atty. Watts confirmed that Mr. Bouchard had agreed to a donation of \$4,500.

Atty. Watts said Bouchard appreciates the compromise and accepts the conditions.

Commission will send letter to Mr. Bouchard acknowledging donation.

Commission will request separate account be set up for the purchase of shade trees.

Brickyard subdivision --update

Atty. Watts, Eric Perry, Bill French present.

Watts described the gross violations of the Planning Board's approval and the Order of Conditions by digging into the sand banking. He explained that the property had been foreclosed on and the Commonwealth National Bank owns it now.

He suggested that the Commission modify the existing order of Conditions to allow equipment up the cart road, and hold the elevation at the property line and taper it down to the back yard of the existing lots on Roosevelt Street.

An Earth Removal Special Permit application was submitted to-day for the next Planning Board meeting.

French Excavating and Robert Mitchell have formed an LLC. They need to start removing material to make the slopes safe.

Joel Kaddy spoke to the urgency of the matter.

Kevin Sanders suggested a site meeting Friday 11-27 at 10:00 a.m.

Agreed to meet on site then.

Fitchburg DPW, riverside trail, Sheldon St.

Gary Bevilacqua, Fitchburg DPW presented plan for walking trail

John K & Mike D. explained that they wanted the centerline of the trail 50 feet away from top of riverbank so that it wasn't right on top of the bank -- would possibly disturb wildlife, etc.

Draft Conservation Restriction - Sheldon St. "Gateway Park"

Dave Outman of TTOR submitted a draft CR to Commission and described it.

Public benefits of the proposed CR: permanently protects the 5 acres, is consistent with the Vision 2020 Master Plan, and helps to protect water resources by preserving open space and reducing possibility of non-point source pollution.

Commission unanimously agreed to approve the CR.

Extension Permit - #155-472, Allain, South St.

Bill Hannigan, Hannigan Engineering and Francis Allain in to propose minor charges which will bring the proposed single-family house in line w/ the standards in the Local Wetlands Ordinance, adopted after the OOC was issued.

Motion made & seconded to (1) grant three-year Extension Permit, and (2) approve minor modifications to the plan. Vote unanimous in favor

Asst. City Solicitor Atty. Barrett in to discuss several items.

Motion made & seconded to go into Executive Session for the purpose of discussing matters in a pending enforcement action in court.

Roll call: Tom Starr: yes, Mike Donnelly: yes, Harry Karis: yes, John Koutonen: yes, Kevin Sanders: yes

Commission went into Executive Session at 7:45 p.m.

They would be resuming regular meeting before meeting is adjourned.

Executive Session ended 8:15 p.m.

Draft conditions - Balsam Heights subdivision, Fisher Rd.

Add to condition that bond estimate for site restoration bond would be prepared by Whitman & Bingham, & then reviewed by Kevin & DPW-Engineering.

Fitchburg DPW – Greene's Pond Dam - Low Level Outlet - O&M

Informational item rec'd from DPW Commissioner for the Commission.

Minutes

Minutes of October meeting approved w/ corrections

Rollstone Hill: proposal for Fire communications tower; status as conservation land?

In general, Commission does not support designation of City parcels on Rollstone Hill as "Open Space". They felt a portion of it could be developed. City should entertain bids for development there.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 8:30 p.m.

Next meeting: 12-29-09

*Approved: 12-29-09*